



Montana Fish, Wildlife & Parks

Comments received on the Tentative Fishing Regulation Changes for 2009

October 3, 2008

Input was received during the August 8-September 12, 2008 public comment period on the Tentative Fishing Regulation Changes for 2009. A total of 27 individuals or organizations provided comments electronically through the FWP website or by mail. Five of these comments were received either before or after the official comment period, but are included in this summary. In addition, ballots were distributed in Region 1 at various meetings relative to the proposed changes for that region. Sixteen ballots were completed and returned from that effort. Below is a summary of all comments on the proposed regulations, and the response by FWP staff. Some comments were also received that did not relate to a proposed regulation. These are listed below and have been forwarded to Regional staff for consideration in the future.

WESTERN DISTRICT

CHANGE-(page 5)

Bull Trout

Hungry Horse Reservoir, Lake Koocanusa and part of the South Fork Flathead River are open for a regulated and experimental bull trout angling season. When fishing for bull trout each angler must have in possession a valid Bull Trout Catch Card for the specific water he/she is fishing. *Anglers may select only one of the following areas: a) Lake Koocanusa or b) Hungry Horse Reservoir/South Fork Flathead River.*

Catch Cards are free of charge, but must be acquired by application from the FWP Region Office in Kalispell or online at www.fwp.mt.gov. Completed applications must be presented at the regional headquarters or mailed to FWP Bull Trout Permit, 490 North Meridian, Kalispell MT 59901. ~~Your 2007 Catch Card must be turned in to the Kalispell FWP office before you will be issued a 2008 Catch Card.~~

PUBLIC COMMENTS: The Region 1 ballot returns showed that 12 people were in favor of this proposed change, 2 people were opposed, and one had no opinion.

FWP RESPONSE: Due to strong support, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 28)

BLACKFOOT RIVER AND TRIBUTARIES

Mainstem and all tributaries except for the Clearwater River

- Catch-and-release for cutthroat trout
- Combined Trout: 3 daily and in possession, no rainbow trout over 12 inches, any size brown trout (see Clearwater River Drainage for exception.)

- Artificial lures only within 100-yard radius of the mouths of Belmont Creek, *Copper Creek*, Gold Creek, Monture Creek and North Fork Flathead River.

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(Page 28)

CEDAR CREEK (tributary to Clark Fork River)

- Artificial lures only, *including* within a 100-yard radius of the mouth.

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 32)

CLEARWATER RIVER DRAINAGE

Clearwater River upstream from Lake Inez Fish Barrier and *all* tributaries of Clearwater River *except the West Fork and Morrell Creek*.

- Catch-and-release for cutthroat trout
- Catch-and-release for bass
- Northern pike: no limit
- Combined trout: 3 daily and in possession, none over 12 inches
- Spearing: open for northern pike
- *Closed to fishing from Rainy Lake Fish Barrier downstream 100 yards.*

Clearwater River from Lake Inez fish barrier downstream to Salmon Lake outlet

- Open entire year
- Catch-and-release for bass
- Northern pike: no limit
- Spearing: open for northern pike
- Snagging: open for salmon from Lake Inez Fish Barrier to Seeley Lake from September 15 through November 30. Closed to snagging from Seeley Lake to Salmon Lake
- *Closed to fishing from Lake Inez fish barrier downstream 100 yards.*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 32)

COPPER CREEK (Tributary to Blackfoot River)

- Catch-and-release for cutthroat trout
- Combined Trout: 3 daily and in possession, no rainbow over 12 inches, any size brown trout.
- *Artificial lures only, including within a 100-yard radius of the mouth.*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

NEW-(page 32)

DUNHAM CREEK (tributary to Monture Creek, Blackfoot drainage)

- *Catch-and-release for cutthroat trout*
- *Combined Trout: 3 daily and in possession, no rainbow over 12 inches, any size brown trout.*
- *Artificial lures only*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 33)

**FISH CREEK AND TRIBUTARIES (~~tributary to~~ Clark Fork River drainage)
*Entire drainage***

- *Artificial lures only, including within 100-yard radius of mouth.*

Mainstem downstream of the confluence of South and West Forks

- Catch-and-release for cutthroat trout
- Combined trout: 3 rainbow or brown trout in any combination daily and in possession, none over 15 inches
- ~~Artificial lures only within 100-yard radius of the mouth~~

West Fork of Fish Creek from Indian Creek to confluence with North Fork Fish Creek

- *Closed entire year*

North Fork of Fish Creek

- *Closed entire year*

PUBLIC COMMENTS: One comment was in favor of these changes (although the commenter missed the September 12 deadline), while four comments opposed the changes. Comments opposed to the proposed regulations in Fish Creek cited the following:

- 1) No advantage to closing Fish Creek because few bull trout are being caught

- 2) Business would be lost because outfitter trips would change
- 3) Fish Creek is already closed to bait
- 4) Areas proposed for closure are not fished
- 5) Don't eliminate bait in mainstem – go to catch-and-release instead
- 6) Would like to attend a public meeting to discuss the issue

FWP RESPONSE: From the comments received, there is some misunderstanding of the proposed regulations in Fish Creek and maybe misinterpretation of comments. The creek is not already closed to bait and not all of Fish Creek is proposed for closure as suggested by some comments. Attempts to reach people who commented and may have misunderstood were not successful. The comments also show concern about effects of the bull trout conservation proposals on recreational fishing. More discussion is therefore needed to understand concerns about and public desires for recreational fishing in Fish Creek. Because of the above, FWP will withdraw this proposal until we address the Fish Creek regulations again next year after discussions with local users.

CHANGE-(Page 35)

GOLD CREEK (tributary to Blackfoot River)

- Catch-and-release for cutthroat trout
- Combined trout: 3 daily, no rainbow trout over 12 inches, any size brown trout
- Artificial lures only, *including* within a 100-yard radius of the mouth.

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

NEW-(page 37)

MARSHALL CREEK (Tributary to West Fork Clearwater River)

- *Artificial lures only*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 38)

MONTURE CREEK (tributary to Blackfoot River)

- Catch-and-release for cutthroat trout
- Combined Trout: 3 daily and in possession, no rainbow over 12 inches, any size brown trout.
- Artificial lures only, *including* within a 100-yard radius of the mouth.

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

NEW-(page 38)

MORRELL CREEK AND TRIBUTARIES (*tributary to Clearwater River*)

Entire drainage

- *Artificial lures only*

Mainstem from Cottonwood Lakes Road bridge upstream to Pyramid Pass Road bridge

- *Closed entire year*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 38)

NORTH FORK BLACKFOOT RIVER (*tributary to Blackfoot River*)

Entire River

- Catch-and-release for cutthroat trout
- Combined Trout: 3 daily and in possession, no rainbow over 12 inches, any size brown trout.
- ~~Artificial lures only within 100-yard radius of the mouth.~~

Downstream of the North Fork Falls

- *Artificial lures only, including within a 100-yard radius of the mouth.*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

CHANGE-(page 40)

SOUTH FORK FLATHEAD RIVER DRAINAGE

Mainstem upstream from Hungry Horse Reservoir (from Crossover Boat Ramp south and upstream to the confluence of Youngs and Danaher creeks.)

- Bull trout: catch and release from the third Saturday in May through ~~August 15~~ **July 31**. A Hungry Horse/South Fork Flathead Bull Trout Catch Card must be in possession when fishing for bull trout. See Special License requirements for

application information. All bull trout must be released immediately. It is unlawful to possess a live bull trout for any reason.

PUBLIC COMMENTS: The Region 1 ballot returns showed that 14 people were in favor of this proposal, while none were against, and 2 offered no opinion.

FWP RESPONSE: Due to strong support, FWP will continue to propose this regulation change to the Commission.

CHANGE –(Page 41)

THOMPSON RIVER

Entire river

- Catch and release for cutthroat *and rainbow trout*
- ~~Combined Trout: 3 less than 10 inches or 2 less than 10 inches and 1 over 18 inches daily and in possession.~~
- Brown trout: 3 of any size
- Artificial lures only, except anglers 14 years of age and younger may use bait.

PUBLIC COMMENTS: The Region 1 ballot returns showed that 14 people were in favor of these proposed changes, while one other person was in favor but wanted the brown trout limit raised from 3 to 5, and one person had no opinion. In addition, FWP electronically received 2 comments in favor of the changes and 1 in opposition. Several of the respondents pointed out that the shift in the fishery toward more brown trout and fewer rainbow trout is probably due more to drought impacts rather than harvest and that angler harvest is low. They also advocated a single barbless hook regulation for the river.

FWP RESPONSE: Brown trout have increased in numbers and proportion of the fishery in recent years. This presents potential conflicts with bull trout. Rainbow trout numbers have decreased by half or more. Liberalizing the length limit on brown trout will result in increased angler harvest and bring them into better balance with the other fisheries. While it is probably true that the increase in brown trout numbers is due to drought, angler harvest is one of the few ways we can try to impact this trend and make a difference. If the fishery responds as hoped, at some point FWP will look at restoring the slot limit regulations. With regard to the barbless hook issue, Montana has not adopted this restriction in any of its waters. There have been numerous studies on catch and release mortality, which point out a real difference in mortality between bait and artificial lures (30% bait vs 5% artificial lures) which is why bait is banned for adult anglers on the Thompson as well as many other waters in the state where regulations require the release of fish. However, the studies show no significant difference in mortality between single and treble hooks or between barbed and barbless hooks. Therefore, FWP will not recommend a modification of the restriction on tackle for the Thompson. Otherwise, based on the strong public support for the changes to trout harvest, FWP will continue to propose this regulation change to the Commission.

NEW-(page 44)

WEST FORK CLEARWATER RIVER AND TRIBUTARIES

Entire drainage

- *Artificial lures only*

West Fork Clearwater River upstream of Marshall Creek confluence

- *Closed entire year*

PUBLIC COMMENTS: Three comments were received in favor of all the proposed changes to protect bull trout in the Blackfoot, Clearwater and Clark Fork drainages, but this stream was not mentioned specifically. No comments were received in opposition.

FWP RESPONSE: Due to a lack of any objections, and the importance of this proposal as a conservation measure, FWP will continue to propose this regulation change to the Commission.

Additional Western District comments received that were not related to proposed regulations:

- 1) Request to change brook trout regulations on Georgetown Lake
- 2) Open the fishing season and restrict the tackle on the Swan River
- 3) Remove the slot limit on trout on Loon Lake (near Ferndale).
- 4) Expand the Lake Koocanusa bull trout catch card area to the river below the dam.
- 5) Allow use of bait in the winter to catch northern pike on the Clark Fork River.
- 6) Request the lower Blackfoot River (around the Milltown Dam site) be opened to fishing.
- 7) Request that fishing on the West Fork of the Bitterroot River be restricted to the use of barbless hooks.

CENTRAL DISTRICT

CHANGE-(page 59)

CLARK CANYON RESERVOIR

- Burbot (ling): 3 daily and in possession, only 1 over 28 inches.
- Combined Trout: 3 daily and in possession, only 1 over 23 inches.

~~Springs entering the reservoir at its south end, near Red Rock River~~

- ~~Closed as posted.~~

PUBLIC COMMENTS: No comments were received on this proposed change.

FWP RESPONSE: Due to lack of opposition, FWP will continue to propose this change to the Commission.

CHANGE-(page 74)

YELLOWSTONE RIVER

Yellowstone National Park Boundary to I-90 Bridge at Billings

- Open entire year
- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 1 over 18 inches.

~~Emigrant Bridge to Pine Creek Bridge~~

- ~~Artificial lures only, except anglers 14 years of age and younger may use bait.~~

Mouth of Clarks Fork River to I-90 Bridge at Billings

- Hook and Line: 2 lines with 2 hooks per line all year

PUBLIC COMMENTS: Two people wrote in favor of the proposed change, while two wrote in opposition.

FWP RESPONSE: The two dissenting comments suggested keeping the “artificial lures only” designation on the Emigrant to Pine Creek reach, unless harvest information does not justify it (one commenter). FWP conducted an extensive creel survey on the Upper Yellowstone river (including the Paradise Valley) in 2007. At that time, the reach in question was artificial lures only AND had a slot limit for brown and rainbow trout*, while the adjacent reaches above and below it were general stream regulations. Harvest rate for trout (rainbow and brown) was about 3% in the reach in question, ~1.5% in the reach above and ~5% in the reach below. In fact, trends in abundance and length distribution of brown and rainbow trout in this reach are similar to those in adjacent reaches where there are no bait/tackle restrictions. Because of the lack of significant differences in harvest rates and biological information that shows no positive effect of the “artificial lures only” regulation on trout populations in this reach, FWP will continue to propose this change to the Commission.

* Cutthroat trout are catch-and-release only throughout the Paradise Valley.

Additional Central District comments received that were not related to proposed regulations:

- 1) Request to change the regulations and conditions under which Guides and Outfitters can operate on the Madison River
- 2) Change trout limits on the entire Yellowstone River.
- 3) Close the lower Big Hole River during brown trout spawning

EASTERN DISTRICT

CHANGE-(page 83)

General Paddlefish Regulations for ALL areas.

- Clarify the hook size restriction for snagging paddlefish.

PUBLIC COMMENTS: No comments were received that specifically addressed this proposal, which was to remove the illustration of an 8/0 hook. One somewhat related comment was received on hooks and is discussed at the end of this document.

FWP RESPONSE: Due to no opposition, FWP will continue to propose this change to the Commission.

CHANGE- (page 83)

Page 83. General Paddlefish Regulations all areas

Missouri River Downstream from Fort Peck Dam and the Yellowstone River

- The paddlefish fishery is managed under a harvest target in conjunction with North Dakota. Montana has set regulations so that annual harvest will not exceed 1000 fish. FWP may close the season within 24 hours notice in any year if it appears that the harvest target may be exceeded, and/or immediately at the Intake FAS (Intake Diversion downstream to Cottonwood Creek) when ***it is estimated the target has been reached*** ~~800 paddlefish have been harvested at Intake~~. Call the Miles City FWP office at 406-234-0900 for current information on harvest status.

PUBLIC COMMENTS: No comments were received that specifically addressed this proposal, although one comment was received that questioned the 800 fish quota and is discussed at the end of this document.

FWP RESPONSE: Due to no opposition, FWP will continue to propose this change to the Commission.

CHANGE-(page 88)

YELLOWSTONE RIVER

Downstream from the mouth of the Bighorn River, not including Intake Fishing Access Site

- ~~Catch and release snagging for paddlefish is not permitted~~ ***Catch and release snagging for paddlefish is allowed ONLY at the Intake FAS – See Intake Fishing Access Site below. Catch and release of paddlefish is not permitted on any other reach of the Yellowstone River or Missouri River below Fort Peck Dam.***
- Snagging: It is illegal to snag for fish, other than paddlefish, downstream from the mouth of the Bighorn River on the Yellowstone River, or downstream from Fort Peck Dam on the Missouri.
- Paddlefish Snagging: ~~Open~~ ***Tuesdays, Wednesdays, Fridays, and Saturdays***, May 15 through June 30 from 6 AM to 9 PM, MST, ~~daily~~ unless closed to harvest earlier by FWP. An unused yellow paddlefish tag is required to fish for paddlefish. The tag must be properly placed on the first paddlefish caught and landed. See Eastern District Standard Regulations for additional important information.

PUBLIC COMMENTS: No comments were received that specifically addressed this proposal, which is simply a clarification.

FWP RESPONSE: Due to no opposition, FWP will continue to propose this change to the Commission.

Additional Eastern District comments received that were not related to proposed regulations:

- 1) Allow paddlefishing during the night.
- 2) Increase the crappie limit on Tongue River Reservoir.

- 3) Maintain the catch-and-release season for paddlefish, have a maximum hook size of 6/0 (and go barbless). Commenter also questioned the suitability of the 800 fish target at the Intake Dam for paddlefish.